

*An answer to a printed Paper, intituled The state of the Case of Mr. Henry Howard, Son to the late Earl of Arrundell, Sir William Tiringham, Collonel Sandys, Collonel Phillipps and others, claiming 35000 acres in the fennes called Bedford Levell.*

**T**He Petitioners spent near two hundred thousand pounds in Draining 365000. Acres, whereof 95000. Acres was allotted to the Participants in general, being fourteen in number, out of which 12000. Acres was given to the King for his consent, and 35000. Acres at least belonged to the Petitioners shares. And after it was Drain'd, and adjudg'd, and allotted, the King was in possession of his 12000. Acres, and the Petitioners of their 35000. Acres, and so continued for many years.

But by a pretended Rump Act made 29. of May 1649. the Kings 12000. Acres were first sold, and then the Petitioners 35000. Acres, and thereby the King and the Petitioners outed of their possessions.

The King is now restor'd to his 12000. Acres, nevertheless the parties in possession by that Rump Act, do still hold possession against the Petitioners of their 35000. Acres at least.

Now the Kings 12000. Acres and their 35000. Acres being Drained at so great a charge to the Petitioners, and the equity to possession the same with the Kings;

They desire, that as the King is restored to his 12000. Acres, they may also be restor'd to their 35000. Acres, or so much as belong to their allotments, so unjustly taken and detain'd from them by colour only of the said Act.

And for the better management of the work, they further desire that the Charter granted to them in 10 Car. I. (still in force) may be Confirmed and Supplied with the number of fourteen persons as formerly.

*Memorandum, Col. Sandys and such as claim under him hath a right to 11875. Acres part of the 35000. Acres, which were conveyed over by Sir Miles Sandys to Trustees for Indemnifying him against the Debts wherein he stood engaged with Sir Miles, amounting to above 47000l. which Deeds were made before sale of the Lands.*

*Besides, when the Lands were sold for non-payment of Taxes, the Company owed Sir Miles more money then the Taxes amounted to, yet they would not default it.*

**I**T is agreed, that the late Earl of Arrundell and others, under whom the parties in the Case do probably claim, and others became Adventurers with Francis late Earl of Bedford, for divers proportions of the 95000. Acres in the allegation mentioned, but not to the number of 35000 acres, and the King was to have 12000 acres. In anno 1636. the Level was adjudged drayned, and therein expended by the said Participants xx<sup>s</sup>. per<sup>l</sup> acre, and not more. It is not admitted that the said late Earl of Arrundell, and those under whom the parties in the Case do claim, had any possession; or if they had, yet were they outed immediately after by the Conntry, and thereupon the Levell became totally drowned, and the expenses in drayning, wholly lost and so continued drowned, and in the Countreys possession, untill the undertaking upon the pretended Act of May, 1649.

The said late Earl of Arrundell and Sir Miles Sandys, were two of the most active persons that procured the pretended Act; and Sir Miles Sandys under whom Collonel Sandys pretends to claim a party to the sale of the Kings 10000 acres, and of divers other; and the said Earl paid Taxes present at sales, & acted under the same pretended Act for about two years: and others of the pretenders present at actings, under that pretended Act, William now Earl of Bedford, Richard Lord Gorges, Collonel John Russel, Sir Thomas Gardner, Sir Thomas Thynn, Sir John Marsham, Anthony Hamond, Esquires, and others sufferers for the Kings interest, Participants with the said Earl Francis, who were more in number of persons, and had a far greater interest in the 95000 acres, and were out the same expences in the first drayning, for their proportions, as the pretenders were made use of, that authority to be restored to their right, and perform so publick a work: in prosecution whereof, every participant was admitted that would pay taxes: and in his default others were admitted barely for the taxes being pursuant to the agreement under the 14<sup>th</sup> part deed.

The purchasers of the Kings Lands bought them subject to his title; and yet if his Majestie hath his Lands, the reason is not the same, that therefore the pretenders must have theirs. For by the said 14<sup>th</sup> part deed for default of payment of their taxes, others might be admitted to their shares; and the new purchasers who came in to defaulters Lands, have been at the expences of 3<sup>l</sup>. the acre, to gain them from the Country and the waters; and if they should be taken from them without satisfaction, it will be a discouragement to future publick undertakings, yet submit to such Judicature as the Parliament shall appoint.

The part of this paragave answered before.

The Charter is altogether insufficient for Government of the Levell, there being no authority thereby granted, nor can be, to lay or levy taxes, with many other defects.

*It appears by the Books of Entries, for conveyances, remaining with the Adventurers: That Sir Miles Sandys and his Trustees conveyed under the pretended Act about 7500 acres of his proportion of the 95000 acres: and it is conceived that when those in possession of the residue of his Adventure, the certain number of acres being not known, that they may produce either his and his Trustees conveyance, or his assent to the Sales. It is denied that the Company was indebted to Sir Miles Sandys at the time of the sale, but he was to the Company.*